

ENVIRONMENTAL REVIEW GUIDANCE DOCUMENT WYOMING STATE REVOLVING FUNDS PROGRAM

To: SRF Loan Applicants and their Engineers or other Consultants

From: Wyo. Department of Environmental Quality (DEQ) State Revolving Fund (SRF) Program
- Brian Mark, SRF Principal Engineer, 777-6371, brian.mark@wyo.gov
- Kevin Frank, SRF Project Engineer, 473-3471, kevin.frank@wyo.gov

Date: January 2015

General

An environmental review is required for all projects applying for SRF loan funding. This guidance assists loan applicants and their engineers or other consultants with conducting the environmental review. Contact the SRF program regularly during the process to help ensure you comply with the various requirements.

The environmental review addresses various federal environmental authorities that apply to federally assisted projects (such as SRF projects). Federal environmental authorities applicable to SRF include laws such as the Clean Air Act, Clean Water Act, Farmland Protection Policy Act, National Historic Preservation Act, Archeological and Historic Preservation Act, Endangered Species Act, Migratory Bird Treaty, and Executive Orders on the protection of wetlands and flood plains. Additionally, the State of Wyoming is committed to State of Wyoming Executive Order 2011-5 titled "Greater Sage-Grouse Core Area Protection" and to the Platte River Recovery Implementation Program. To ensure compliance with these environmental authorities, commitments, and plans, each SRF project must undergo the State Environmental Review Process (SERP) before loan approval. This is similar to a National Environmental Policy Act (NEPA) review performed by federal agencies.

If you are getting an SRF loan for only engineering design and related nonconstruction activities, you will usually only need to meet the public meeting requirement. If you later decide to get a loan for construction, you will need to complete the full environmental review process before you can get that construction loan.

Cat-ex or EA/FNSI?

Environmental reviews for SRF projects are normally one of two kinds, either the kind involving a simple categorical exclusion (cat-ex), or the kind involving a somewhat more detailed Environmental Assessment and a Finding of No Significant Impact (EA/FNSI). Projects such as replacement of water or sewer mains or modifications to treatment plants within the existing plant site are often eligible for a categorical exclusion, which is basically an exemption from the full EA/FNSI process. Projects constructing new facilities on sites that did not previously have them usually require an EA/FNSI.

A public meeting and letters to agencies are required in either case, and you can take care of them at basically the same time or can do one after the other in either order. The other steps below

normally vary depending on whether the project can be a cat-ex or needs the EA/FNSI process. DEQ will provide you direction on whether you need a cat-ex or EA/FNSI. They can usually know upfront based on preliminary project information you provide, but this can also change depending on the results of the public meeting and letters to agencies.

Public Meeting

You must conduct a public meeting where you present the chosen alternative, or various project alternatives, and the estimated project cost, loan amount, dedicated source of repayment, and the effects on user rates and fees. Publish a public meeting notice in the local paper at least 15 days before the meeting. See the attached **Example Public Meeting Notice**. Get DEQ approval before you publish your notice. The public shall be allowed to voice their concerns and opinions in writing, before, and verbally, during, the public meeting. After the meeting, submit to DEQ the following: summaries of and responses to all the public comments, a copy of the meeting minutes, and an affidavit of publication of the meeting notice.

Letters to Agencies

Send a letter to each of the agencies listed as **Federal and State Contacts for Environmental Issues**, using the attached **Example Letter to Federal and State Contacts**. The letters request the agencies to review the project for compliance with environmental issues under the agencies' jurisdiction and authority. The letter briefly describes the project. Attach a project area map, usually based on a USGS 7.5 minute topographic map. Get DEQ approval of your letters before you send them.

Provide the agencies with any additional information they request. Send to DEQ copies of all the correspondence between you and the environmental agencies. If an environmental agency makes 'recommendations' for surveys, studies, etc., those 'recommendations' typically must be treated as imperatives; the surveys or studies must be conducted and submitted for review. Submit the surveys or studies directly to that agency, with a copy to DEQ. Your correspondence with the various environmental agencies is not complete until each agency expresses they have no further concerns or issues with the project that the loan applicant has not addressed. To help avoid delays, you should discuss the agencies' correspondence promptly with DEQ to make sure that the loan applicant is addressing all agencies' issues.

Categorical Exclusion (Cat-ex)

After you have provided DEQ with all documents related to the public meeting and letters to agencies, and if DEQ says you can move forward with a cat-ex, you then write a draft Categorical Exclusion Determination and send it to DEQ for review. See the attached **Example Categorical Exclusion Determination**. After DEQ approves it, publish the Categorical Exclusion Determination in a local paper of general circulation. Provide DEQ an affidavit of publication as soon as available.

Environmental Assessment (EA) and Finding of No Significant Impact (FNSI) process

If DEQ says the project cannot be a cat-ex, you will need to prepare an Environmental Assessment (EA) report for the proposed project and submit it to DEQ for review. See attached **Example Environmental Assessment Report Outline**. Other formats may also be acceptable,

but please contact the SRF Program first.

If there are no significant adverse environmental impacts and no significant public opposition to the project, DEQ will approve a Finding of No Significant Impact (FNSI). See attached **Example Finding of No Significant Impact** to guide you in preparing a draft FNSI for DEQ review. After DEQ approves the FNSI, you must publish it in a local paper of general circulation and provide DEQ an affidavit of publication. The FNSI opens a 30 day formal public comment period. DEQ will address any comments relating to the project. If there are no comments, expiration of the 30 day comment period ends the environmental review process.

Federal & State Contacts for Environmental Issues: You must send letters to and obtain clearances from the following contacts:

National Historic Preservation Act and Archeological and Historic Preservation Act:

Mary Hopkins, SHPO
Wyoming State Historic Preservation Office
2301 Central Avenue, Barrett Building, 3rd Floor
Cheyenne, WY 82002
307-777-7697

Protection of Wetlands:

Michael T. Happold, State Program Manager
Wyoming Regulatory Office
US Army Corps of Engineers, Omaha District
2232 Dell Range Boulevard, Suite 210
Cheyenne, WY 82009-4942
307-772-2300

Farmland Protection Policy Act:

Astrid Martinez, State Conservationist
US Department of Agriculture, NRCS
100 East B Street, Room 3124
PO Box 33124
Casper, WY 82602
307-233-6750

Endangered Species Act:

R. Mark Sattelberg, Field Supervisor
Ecological Services
US Fish & Wildlife Service
5353 Yellowstone Road, Suite 308A
Cheyenne, WY 82009
307-772-2374

Clean Air Act:

Brian Hall, Air Quality Planning Program Supervisor
Wyoming DEQ/Air Quality Division
122 W. 25th Street
Herschler Building, 2 East
Cheyenne, WY 82002
307-777-6088

Greater Sage-Grouse Core Area Protection:

Mary Flanderka, Statewide Habitat Protection Supervisor
Wyoming Game and Fish Department

5400 Bishop Boulevard
Cheyenne, WY 82006
307-777-4506

Flood Plain Management:

When the project is in a flood plain, you must contact the local flood plain manager. Check with your local municipal or county building officials for the correct contact. If a Flood Plain Development Permit is required, you must also notify the state and federal contacts listed below to solicit any comments they may have on the project. Do not contact the state and federal contacts below unless a permit is required, and only contact them after you have the permit.

State Contact:

Ginni Melton, Wyoming NFIP Coordinator
Wyoming Office of Homeland Security
5500 Bishop Blvd.
Cheyenne, WY 82002
307-777-4907

Federal Contact:

Barbara McEvoy, Floodplain Management Specialist
FEMA Region VIII
Denver Federal Center
Bldg. 710, Box 25267
Denver, CO 80225-0267
303-235-4759

Platte River Recovery Implementation Program (PRRIP):

If the project is located in the drainage basin of the Platte River, you must contact the coordinator listed below. Guidance documents regarding PRRIP are available at www.fws.gov/platteriver/. See in particular "Guidance for Water-Related Projects in Wyoming", especially Attachment D.

Matthew Hoobler, North Platte Coordinator
Wyoming State Engineer's Office
122 West 25th Street
Herschler Building, 4 East
Cheyenne, WY 82002
307-777-7641

Example Public Meeting Notice:

NOTICE OF PUBLIC MEETING

The (name of applicant and location), Wyoming, will conduct a public meeting at (time), local time, on (date), in the (meeting location). The purpose of the meeting is to allow citizens to review and comment on the following project(s). (Describe project(s) and reason(s) for it)

The (applicant) intends to use funds from the Wyoming (Clean Water and/or Drinking Water) State Revolving Loan Fund administered by the Wyoming Office of State Lands and Investments. The (applicant) will present the preliminary design of the proposed project and discuss the estimated cost of the improvements. Based on current estimates, the (applicant) plans to borrow (\$ amount) from the Wyoming (Clean Water and/or Drinking Water) State Revolving Loan Fund. Increased user fees will repay the loan. The average rate increase is estimated to be (\$XX/month) per user to repay this (\$ amount) loan, which has terms of 2.5% and 20 years. (modify as needed for other repayment methods or terms) A preliminary plan of improvements and estimates can be reviewed at (applicant's or consultant's location). Contact (name) at (phone number).

Written comments are also welcome and must be received by (close of business time) on (date, preferably same date as meeting). Send written comments to (name and address).

Published (publish date)

Date (date)

Example Letter to Federal and State Contacts:

(Attach map of project area; USGS 7.5 minute topographic map is appropriate.)

DATE

APPLICANT NAME

APPLICANT ADDRESS

AGENCY

AGENCY CONTACT/ADDRESS

ATTN: AGENCY CONTACT PERSON

RE: Compliance with Federal Authorities to obtain a State Revolving Fund Loan for
STATE PROJECT NAME

Dear AGENCY CONTACT PERSON:

The enclosed map shows the proposed project area for the PROJECT NAME. This area is located in GIVE LEGAL ADDRESS SECTION(S) TOWNSHIP(S) RANGE(S).

This project includes PROJECT DESCRIPTION. Completion of the project is expected in COMPLETION DATE.

The Wyoming State Revolving Fund Program and the federal funding agency, the United States Environmental Protection Agency Region VIII, are committed to complying with federal requirements and Executive Orders that apply in federal financial assistance. We are contacting you to ensure this project complies with applicable authorities under your agency's jurisdiction.

Please review this project with respect to your agency's concerns and provide a response to me. If your agency has concerns and will not issue a clearance, please contact me at your earliest convenience concerning what steps must be taken to address your concerns.

If you require additional information or require clarification, please contact me at PHONE NUMBER. Thank you for your attention to this matter.

Sincerely,

APPLICANT PROJECT MANAGER

Encl.: Project area map for PROJECT NAME

cc: Kevin Frank, SRF Project Engineer, DEQ Casper Field Office, 152 N. Durbin St., Suite 100, Casper, WY 82601

Example Categorical Exclusion Determination:

CATEGORICAL EXCLUSION DETERMINATION

For the (OWNER AND PROJECT NAME),
(PROJECT COUNTY) County, Wyoming

The Department of Environmental Quality/Water Quality Division (DEQ) has conducted a review of the proposed (PROJECT NAME) project in accordance with EPA and State of Wyoming procedures for implementing the State Environmental Review Process. DEQ has determined that this project is eligible for a categorical exclusion. Accordingly, DEQ is exempting the project from further substantive environmental review requirements under the State Environmental Review Process. Neither an Environmental Assessment/Finding of No Significant Impact nor an Environmental Impact Statement/Record of Decision will be required for the proposed action. The following is a brief description of the situation and the proposed action and a brief statement of how the action meets the criteria for a categorical exclusion.

(PROVIDE PROJECT DESCRIPTION, AND ESTIMATED COSTS, SRF LOAN AMOUNT, REPAYMENT METHOD, AMOUNT OF INCREASE IN USER RATES/FEEES/ ASSESSMENTS, SIMILAR TO THAT USED IN THE PUBLIC MEETING NOTICE)

The (OWNER) is aware of and accepts the fact that they will be responsible for any required mitigative actions associated with and including storm water runoff, erosion control, archeological/historic artifacts, and air quality concerns. These will be part of the standard State Revolving Funds Program contract conditions.

DEQ is granting an exclusion because (PROVIDE JUSTIFICATION FOR CAT EX, EXAMPLES: PROJECT REPLACES OR REHABILITATES EXISTING INFRASTRUCTURE, PROJECT CONSISTS OF MINOR UPGRADES OR MINOR EXPANSIONS TO EXISTING INFRASTRUCTURE, PROJECT CONSTRUCTS MINOR ANCILLARY FACILITIES ADJACENT TO OR ON THE SAME PROPERTY AS EXISTING FACILITIES). This project will be completely constructed in previously disturbed ground, specifically (PROVIDE DESCRIPTION OF PREVIOUSLY DISTURBED GROUND, E.G. A PREVIOUSLY INSTALLED SEWER, WATERLINE, STORAGE TANK, ROADWAY, ETC.). DEQ has determined that exempting the proposed project from further review under the State Environmental Review Process will not result in adverse impacts to the population or the area of (PROJECT TOWN OR CITY, AND COUNTY) County, Wyoming.

The documentation to support this decision will be on file in the DEQ Casper Field Office and is available for public scrutiny upon request. Comments concerning this decision may be addressed to Kevin Frank, SRF Project Engineer, DEQ Casper Field Office, 152 N. Durbin St., Suite 100, Casper, WY 82601, telephone (307) 473-3471, FAX (307) 473-3458, email kevin.frank@wyo.gov

Publish Date:

Example Environmental Assessment Report Outline:

I. SUMMARY

A. PROJECT IDENTIFICATION

Applicant:
Address:
Project No.:

B. CONTACT PERSON

Mr./Ms.
City/Town/District Representative
P.O. Box
_____, WY

C. ABSTRACT

(Give a brief overview of the proposed project. State that it will have no significant adverse impact, if appropriate.)

D. COMMENT PERIOD

In conformance with the requirements of the Wyoming Environmental Review Process, the Finding of No Significant Impact (FNSI) will be subject to a 30-day public review period. The FNSI will be available for public review at the _____. Any Comments received will be given due consideration. Comments should be addressed to:

Kevin Frank, SRF Project Engineer
DEQ Casper Field Office
152 N. Durbin St., Suite 100
Casper, WY 82601

II. PURPOSE AND NEED FOR ACTION

(DWSRF Loans: Describe the public health issues and/or non-compliance with drinking water standards. CWSRF loans: Describe any non-compliance with DEQ regulations or WYPDES permit and other public health issues.)

III. ALTERNATIVES INCLUDING THIS PROPOSED ACTION

A total of ____ alternatives were examined for the purposes of correcting the (drinking water/wastewater) deficiencies and providing adequate treatment for a 20 year planning period.

A. ALTERNATIVE 1 - NO ACTION ALTERNATIVE

(Briefly describe and evaluate the relevant future environmental conditions without the project being implemented.)

B. ALTERNATIVE 2 - PROPOSED ALTERNATIVE

(Briefly describe the proposed alternative, with cost data. A more detailed description will be given in section IV. Alternatives can be given a name rather than a number if appropriate.)

C. ALTERNATIVE 3 (etc., or OTHER ALTERNATIVES CONSIDERED)

(Continue with any additional alternatives that were considered. Describe commensurate with the level of analysis applied. Some alternatives are rejected early on in the process while others undergo a more detailed analysis similar to the proposed alternative.)

IV. AFFECTED ENVIRONMENT

A. DESCRIPTION OF PLANNING AREA

(Describe the planning area with location, climatological, economic, employment and other pertinent information.)

B. PROPOSED ALTERNATIVE

(Describe the chosen alternative in more detail. Reference map of project area/proposed alternative. Describe why the proposed alternative was chosen.)

C. POPULATION AND FLOW PROJECTIONS

(Describe the population and water or wastewater projections.)

V. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

A. DIRECT AND INDIRECT IMPACTS

(List all impacts beneficial and adverse, direct, cumulative, and indirect. Direct impacts are caused by the action and occur at the same time and place. Indirect impacts are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include changes in population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. Cumulative impacts are the sum of past, present, and reasonably foreseeable actions, either private or public, in the project area.

If the project involves treatment plant expansion, a new treatment plant, or a significant addition to the service area; the applicant needs to contact the SRF Program for a complete description of the required contents of the EA report. The existing and 20-year (or other design time frame) population and land use in the pertinent service area will need to be illustrated and described. If the population and land use impacts extend beyond the service area, the analysis area will need to be expanded to the entire impacted area. The project applicant shall identify where new growth is likely to occur and potential impacts of the growth. The applicant will need to inform the public regarding potential impacts of the growth and identify any planning efforts, ordinances, regulations, and procedures that are in place to mitigate or prevent impacts in Section VI below.)

1. (discuss the positive effect of solving the problems the project is designed to correct)
2. (discuss increased growth the project may induce, if applicable, and any other social or economic effects)
3. (Discuss outcome of contact with SHPO. Reference appropriate appendix for copies of correspondence and studies.)
4. (Discuss Corps of Engineers....)
5. (Discuss NRCS....)
6. (Discuss US Fish & Wildlife....)
7. (Discuss DEQ/AQD....)
8. (Discuss Wyoming Game and Fish....)
9. (Discuss floodplain manager, if applicable)
10. (Discuss SEO, if applicable)
11. (others as appropriate)

B. UNAVOIDABLE ADVERSE IMPACTS

1. There will be minor, short term increases in noise and ambient air particulate levels and increased traffic in the immediate vicinity of the construction activities.
2. Construction of the project will result in the commitment of resources including capital, manpower and materials.
3. Some minor short term increases in sedimentation may result from runoff from

soils exposed in the course of construction.

4. (others?)

VI. MITIGATION OF ADVERSE IMPACTS

After an evaluation of anticipated impacts of construction and operation of the proposed facilities, the following mitigation alternatives and recommendations were selected to minimize or eliminate these impacts.

1. Routine mitigation techniques for limiting direct runoff from disturbed areas and dewatering conduits, including berms, sediment traps, etc., which will be effective in limiting sediment into water courses.
2. Dust control measures will be required if dust from the access road and construction site becomes a nuisance.
3. Vegetation which is disturbed will be re-established in accordance with local land-use type.
4. Additional landscaping of the facility may be required to minimize the aesthetic impact or to enhance the visual quality of the new facility. This may include removing berms of the existing plant which will not be used for flood control and planting the area with local species which blend with the surrounding area. (if applicable)
5. Color selection of the building should be made to minimize contrast with the dominant color patterns. (if applicable)
6. (other mitigation required for other known issues, such as wildlife surveys, time constraints, flow mitigation, etc., if applicable)

VII. PUBLIC PARTICIPATION

A public meeting was held on _____, 20__ at the (City/Town) of _____ (City/town hall) to present the alternatives considered. Comments were solicited and questions were answered at this meeting. (summarize public comments and responses, also reference appropriate appendix with Public Notice and minutes)

VIII. REFERENCE DOCUMENTS

1. Planning Document, City/Town of _____; (consulting engineer); Date.
2. Local Planning Document
3. (other documents)

IX. AGENCIES CONTACTED

1. Wyoming State Historic Preservation Office
2. US Army Corps of Engineers
3. USDA Natural Resources Conservation Service
4. US Fish and Wildlife Service
5. WDEQ Air Quality Division
6. Wyoming Game and Fish Department
7. Local Flood Plain Manager (if applicable)
8. Wyoming State Engineer's Office (if applicable)
9. (others?)

X. APPENDICES

Example Finding of No Significant Impact:

FINDING OF NO SIGNIFICANT IMPACT

TO ALL INTERESTED GOVERNMENTAL AGENCIES AND PUBLIC GROUPS:

As required by guidelines for the Wyoming State Environmental Review Process, the Wyoming Department of Environmental Quality (DEQ) has performed an environmental review on the proposed State Revolving Fund (SRF) supported action below:

Project:

Location: _____ County, Wyoming

Total Cost/SRF share: \$xxx/\$xxx

The proposed project is (describe)

(discuss the proposed financing and the cost impact to users, similar to that given in the public meeting notice)

No significant adverse environmental impacts will occur due to this project. The proposed project will not adversely affect wetlands, prime agricultural lands, threatened or endangered species habitat, historical sites, or sites with environmentally sensitive characteristics. The primary impacts of the project will be short-term and construction related. (briefly describe noteworthy environmental issues/impacts/mitigation, if any)

The review process did not indicate significant environmental impacts would result from the proposed action. Consequently, DEQ has made a preliminary decision not to prepare an Environmental Impact Statement (EIS). DEQ has taken this action on the basis of a review of the environmental assessment document and other supporting data, which are on file at the DEQ Casper Field Office. The public may review these documents upon request.

Comments supporting or disagreeing with this decision may be submitted for DEQ consideration. Address all questions and comments to Kevin Frank, SRF Project Engineer, DEQ Casper Field Office, 152 North Durbin Street, Suite 100, Casper, WY 82601, Tel. (307) 473-3471, FAX (307) 473-3458, email: kevin.frank@wyo.gov. After evaluating comments received, DEQ will make a final decision; however, DEQ will take no administrative action for at least 30 days after publication of this Finding of No Significant Impact.

Publish Date: